

Wylie City Council

Minutes

Wylie City Council Meeting

Tuesday, March 24, 2015 – 6:00 p.m.

Wylie Municipal Complex – Council Chambers

300 Country Club Road, Bldg. 100

Wylie, TX 75098

CALL TO ORDER

Announce the presence of a Quorum.

Mayor Eric Hogue called the meeting to order at 6:00 p.m. City Secretary Carole Ehrlich took roll call with the following City Council members present: Mayor Eric Hogue, Mayor pro tem Keith Stephens, Councilman Bennie Jones, Councilman David Dahl, Councilman Todd Wintters, Councilman Nathan Scott, and Councilman William Whitney III.

Staff present were: City Manager, Mindy Manson; Assistant City Manager, Jeff Butters; Planning Director, Renae' Ollie; Finance Director, Linda Bantz; Fire Chief, Brent Parker; Assistant Police Chief, Anthony Henderson; Human Resource Manager, Lynn Fagerstrom; City Secretary, Carole Ehrlich; Public Information Officer, Craig Kelly; and various support staff.

INVOCATION & PLEDGE OF ALLEGIANCE

Councilman Dahl gave the invocation and Councilman Whitney led the Pledge of Allegiance.

PRESENTATIONS

- Presentation of certificates of appreciation from the American Legion

Mary Lange, representing the local American Legion, presented certificates of appreciation to Mayor Eric Hogue, City Manager Mindy Manson, and Tom Kollman for judging the 2015 Oratorical Scholarship Contest for Wylie High School students, and Mike Agnew, Tom Kollman, and Frank Drnbauer for judging Community High School. Joseph McDermott won the local Oratorical Scholarship and competed at the American Legion Department of Texas 4th District Oratorical Contest on Saturday, January 24, 2015. Lang awarded him with a check for \$500.

- **Employee Milestone Anniversaries**

NAME	TITLE	DOH	2015
Melissa McCasland	Crossing Guard	1/4/05	10
Angie McIntosh	Crime Prevention Officer	2/17/05	10
Billy McIntosh	Police Sergeant	2/17/05	10
Jimmy Johnston	Firefighter/Paramedic	3/14/05	10

Mayor Hogue and City Manager Manson presented items of appreciation to the above City of Wylie employees honoring their 10th Anniversary with the City of Wylie. Mayor Hogue thanked all employees for their daily service to the community.

- **Community Waste Disposal Annual Report** (*J. Butters, Assistant City Manager*)

Greg Roemer, President, and Robert Medigovich, representing Community Waste Disposal, gave a brief annual report regarding solid waste and recycling services for 2014.

CITIZENS COMMENTS ON NON-AGENDA ITEMS

Residents may address Council regarding an item that is not listed on the Agenda. Residents must fill out a non-agenda form prior to the meeting in order to speak. Council requests that comments be limited to three (3) minutes. In addition, Council is not allowed to converse, deliberate or take action on any matter presented during citizen participation.

Candace Gillespie, representing FNH Contracting L.L.C., addressed Council stating that she was addressing Item D of the Consent Agenda (Bid for Construction at FM 1378 and Parker Road). She noted that FNH was the lowest bidder but was not recommended for the project. She stated FNH could fulfill all project services and requested reconsideration.

CONSENT AGENDA

All matters listed under the Consent Agenda are considered to be routine by the City Council and will be enacted by one motion. There will not be separate discussion of these items. If discussion is desired, that item will be removed from the Consent Agenda and will be considered separately.

- A. **Consider, and act upon, approval of the Minutes of March 10, 2015 Regular Meeting of the Wylie City Council.** (*C. Ehrlich, City Secretary*)
- B. **Consider, and place on file, the City of Wylie Monthly Investment Report for February 28, 2015.** (*L. Bantz, Finance Director*)
- C. **Consider, and place on file, the City of Wylie Monthly Revenue and Expenditure Report for February 28, 2015.** (*L. Bantz, Finance Director*)
- D. **Consider, and act upon, the award of Bid #W2015-48-B for FM 1378 (Country Club Road) Paving & Drainage Improvements and Alternate Bid: Signal Improvements North and South FM 2514 Intersections, in the amount of \$2,417,666.25 to Ed Bell Construction Company, and authorizing the City Manager to execute any necessary documents.** (*G. Hayes, Purchasing*)

- E. Consider, and place on file, the monthly Revenue and Expenditure Report for the Wylie Economic Development Corporation as of February 28, 2015. (*S. Satterwhite, WEDC Director*)

Councilman Wintters requested Item D be removed from the Consent Agenda and considered separately. Consensus of the Council was to remove Item D and consider separately.

Council Action

A motion was made by Councilman Scott, seconded by Councilman Wintters to approve Items A, B, C, and E of the Consent Agenda as presented. A vote was taken and the motion passed 7-0.

REGULAR AGENDA

- D. Consider, and act upon, the award of Bid #W2015-48-B for FM 1378 (Country Club Road) Paving & Drainage Improvements and Alternate Bid: Signal Improvements North and South FM 2514 Intersections, in the amount of \$2,417,666.25 to Ed Bell Construction Company, and authorizing the City Manager to execute any necessary documents. (*G. Hayes, Purchasing*)

Mayor Hogue requested Purchasing Agent Glenna Hayes to explain the bidding process. Hayes explained that as part of the bid review process in addition to bid price, a review of each company's financial information, equipment list, experience statement of key personnel, and quality of previous work for the project are reviewed. The bids are then sent to Birkhoff, Hendricks & Carter, L.L.P for review and analysis. When bids are opened, per law, the bid may go to the lowest responsive responsible bidder. Mr. Carter contacted both FNH and Ed Bell and met to discuss any concerns. City Engineer Holsted and Mr. Carter then reviewed the bids and recommended Ed Bell Construction Company as the lowest responsive responsible bid.

Mayor Hogue asked Mr. Joe Carter to come forward and explain the recommendation. Joe Carter of Birkhoff, Hendricks & Carter explained that in reviewing the information from FNH Contracting, L.L.C. he found the company had basically been in business for two years and had no project experience as a prime contractor with regard to the size and complexity of bid project. Carter noted the firm did have experience as a sub-contractor but not a prime contractor. Carter explained that Ed Bell Construction had more experience both with smaller and larger projects. Carter stated that based on that review, Birkhoff, Hendricks & Carter was recommending Ed Bell Construction for the FM 1378 project; as was the City Engineer.

Council Action

A motion was made by Councilman Scott, seconded by Councilman Whitney to approve Item D of the Consent Agenda as presented and Ed Bell Construction as the named bidder for Bid #W2015-48 B. A vote was taken and the motion passed 7-0.

1. Consider, and act upon, all matters incident and related to the issuance and sale of "City of Wylie, Texas, General Obligation Refunding Bonds, Series 2015", including the adoption of Ordinance No. 2015-14 authorizing the issuance of such bonds, establishing parameters for

the sale and issuance of such bonds and delegating certain matters to an authorized official of the City. (L. Bantz, Finance Director)

Staff Comments

Finance Director Bantz addressed Council stating that the City's Financial Advisor David Medanich with First Southwest Company presented information to Council at their March 10, 2015 meeting recommending that the City consider refunding the 2006 General Obligation Bonds. The present value savings is estimated at approximately \$1,800,000. He recommended the City use a parameters bond ordinance to allow First Southwest to avoid potential bad days in the market to conduct the bond sale. Information detailing the proposed parameters is reflected in the proposed ordinance.

David Medanich addressed council stating that at the last council meeting suggested parameters were made for the sale of the bonds. He noted that the current market was better than the parameters suggested at that time. He reviewed the parameters that included: delegated financing officers of the City to be the Finance Director and the City Manager; allowing a maximum interest rate of 3.25%; a maximum price of 24 million dollars, requiring savings of at least 5% or 1.4 million dollars, and a maximum maturity of 2027, which is the current maturity and would go out 120 days. Medanich recommended approval of the ordinance.

Council Action

A motion was made by Mayor pro tem Stephens, seconded by Councilman Scott to approve Ordinance No. 2015-14 authorizing the issuance and sale of "City of Wylie, Texas, General Obligation Refunding Bonds, Series 2015", establishing parameters for the sale and issuance of such bonds and delegating certain matters to an authorized official of the City. A vote was taken and the motion passed 7-0.

2. **Hold a Public Hearing and consider, and act upon, a change in zoning from Light Industrial (LI) to Planned Development-Multi-Family (PD-MF), for multi-family residential with Neighborhood Service development on approximately 6.46 acres, located southwest S.H. 78 and Alanis Drive. ZC 2015-01 (R. Ollie, Planning and Zoning Director)**

Council Comments

Mayor Hogue announced the applicant had submitted a letter to withdraw the request to rezone 6.46 acres from Light Industrial to Planned Development- Multi-Family District.

Public Hearing

Mayor Hogue opened the public hearing on Zoning Case 2015-01 at 7:55 p.m. asking anyone present wishing to address Council on this item to come forward.

No one was present wishing to address Council.

Mayor Hogue closed the public hearing at 7:56 p.m.

Council Action

A motion was made by Councilman Wintters, seconded by Mayor pro tem Stephens to accept the withdrawal by the applicant for a change in zoning from Light Industrial (LI) to Planned Development-Multi-Family (PD-MF) for multi-family residential with Neighborhood Service

development on approximately 6.46 acres, located southwest S.H. 78 and Alanis Drive (ZC-2015-01). A vote was taken and the motion passed 7-0.

READING OF ORDINANCES

Title and caption approved by Council as required by Wylie City Charter, Article III, Section 13-D.

City Secretary Ehrlich read Ordinance No. 2015-14 into the official record.

WORK SESSION

- Work Session to discuss and provide direction regarding a possible amendment to the Code of Ordinances as it pertains to no smoking regulations.

Mayor Hogue reported Councilman Scott had requested this work session be conducted due to a personal loss in his family caused by smoking. Mayor Hogue mentioned that currently there were only two sit down restaurants in Wylie; one which allowed smoking. If the Council wishes to give direction to reconsider an amendment to the smoking ordinance, this would be the time to do so prior to more restaurants opening in Wylie.

Councilman Scott addressed Council stating that he had lost his dad after 40 years of smoking and felt the second hand smoke he received could very well affect his health in the future. He requested Council discussion for not allowing smoking in restaurants that serve food, stating this was not about freedom to smoke but rather freedom to eat in a smoke free environment.

Mayor pro tem Stephens stated that he believed businesses should make the choice whether or not to allow smoking. He stated that these were privately owned businesses that should have the right to choose under their freedom of choice. It would be an over reach by government to regulate restaurants. Councilmen Jones, Whitney, Dahl, and Hogue concurred. Councilman Wintters felt regulations should be put in place to regulate smoking in restaurants serving food.

Several citizens spoke regarding the issue, some for and some against regulating no smoking in restaurants.

No Council direction was given to staff to bring forward an ordinance amending current smoking regulations.

Mayor Hogue reconvened into Regular Session.

RECONVENE INTO REGULAR SESSION

Mayor Hogue recessed into Executive Session at 7:34 p.m. reading the captions below.

EXECUTIVE SESSION

Recess into Closed Session in compliance with Section 551.001, et.seq. Texas Government Code, to wit:

§§Sec. 551.072. DELIBERATION REGARDING REAL PROPERTY; CLOSED MEETING.

A governmental body may conduct a closed meeting to deliberate the purchase, exchange, lease, or value of real property if deliberation in an open meeting would have a detrimental effect on its negotiating position.

- **Discussion of purchase of real property located near Ballard and Jefferson**
(J. Butters, Asst. City Manager)
- **Consider the acquisition of properties by the Wylie Economic Development Corporation located near the intersection of State Highway 78 and Ballard Avenue.**
(S. Satterwhite, WEDC Director)

RECONVENE INTO OPEN SESSION

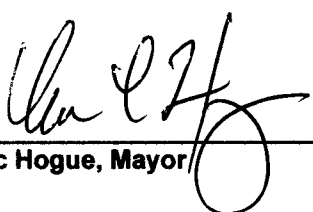
Take any action as a result from Executive Session.

Mayor Hogue reconvened into Open Session at 8:15 p.m.


There was no action taken as a result of Executive Sessions.

ADJOURNMENT

A motion was made by Councilman Jones, seconded by Mayor pro tem Stephens to adjourn the meeting at 8:20 p.m. A vote was taken and the motion passed 7-0.


Eric Hogue, Mayor

ATTEST:


Carole Ehrlich, City Secretary

